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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,998	07/30/2002	Hideki Hayashi	MTS -3326US	5820

7590 03/18/2004

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EXAMINER

LAVARIAS, ARNEL C

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,998

Applicant(s)

HAYASHI ET AL.

Examiner

Arnel C. Lavarias

Art Unit

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aw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species 1- drawn to a convex lens for allowing luminous flux from a light source to converge to a first optical information recording medium having a predetermined thickness and a second optical information recording medium thicker than the first optical information recording medium, the convex lens including the phase of the luminous flux that passes through the intermediate area being shifted with respect to the phase of the luminous flux that passes through the central area.

Species 2- drawn to a convex lens for allowing luminous flux from a light source to converge to a first optical information recording medium having a predetermined thickness and a second optical information recording medium thicker than the first optical information recording medium, the convex lens including the intermediate area having nature that spherical aberration is optimized to an optical information recording medium thicker than the second optical information recording medium.

Species 3- drawn to a convex lens for allowing luminous flux from a light source to converge to a first optical information recording medium having a predetermined thickness and a second optical information recording medium thicker than the first optical

information recording medium, the convex lens including the intermediate area that separates the central area from the peripheral area being formed on a surface of the lens, the surface facing the optical information recording medium.

Species 4- drawn to a convex lens for allowing luminous flux from a light source to converge to a first optical information recording medium having a predetermined thickness and a second optical information recording medium thicker than the first optical information recording medium, the convex lens including the central area being designed so that the phase of luminous flux that has passed through the area thereof is substantially shifted with respect to the phase of the luminous flux that has passed through the peripheral area.

Species 5- drawn to a convex lens for allowing luminous flux from a first light source to converge to a first optical information recording medium having a predetermined thickness and allowing luminous flux from a second light source having a wavelength different from the first light source to converge to a second optical information recording medium which is thicker than the first optical information recording medium, the convex lens including the luminous flux converging onto the information recording surface of the first optical information recording medium from the first light source is the luminous flux that has passed through the central area, the intermediate area, and the peripheral area; the luminous flux converging onto the information recording surface of the second optical information recording medium from the second light source is the luminous flux that has passed through the intermediate area and the central area; and the intermediate area is provided with a diffraction grating.

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Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

Species 1- Claims 1-4, [9, 11-13 (drawn to Claims 1-4)]
Species 2- Claims 5, [9, 11-13 (drawn to Claim 5)], 10
Species 3- Claims 6, [9, 11-13 (drawn to Claim 6)]
Species 4- Claims 7-8, [9, 11-13 (drawn to Claims 7-8)]
Species 5- Claims 14-22

The following claim(s) are generic: Currently, no claims are generic among the various species.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: For each of Species 1, 2, 3, 4, and 5, each of the listed species has special technical features not required for the other species. The special technical features exclusive to each species are listed above in the listing of the various species.
4. A telephone call was made to Allan Ratner (610-407-0700) on 3/10/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 8:30 AM - 5 PM EST.

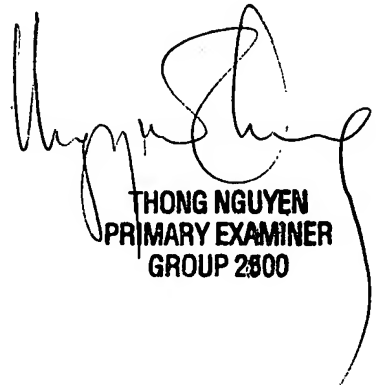
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arnel C. Lavarias
3/10/04



THONG NGUYEN
PRIMARY EXAMINER
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